

REMARKS/ARGUMENTS

This is a Response to the Office Action mailed September 22, 2005, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire December 22, 2005. Twenty-eight (28) claims, including six (6) independent claims, were paid for in the application. Claims 25-28 have been canceled. Claims 10, 16, 19 and 24 are currently amended. No new claims have been added. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Director is authorized to charge any fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Claims 1-24 are pending.

Applicant thanks the Examiner for allowing claims 1-9, 11-15, 17-18 and 20-23.

Objections

The disclosure was objected to because of informalities which have been corrected by the amendments above.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 10, 16, 19, and 24 were rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for determining a location of a most recent one of the sets of data upon a power up event, purportedly does not reasonably provide enablement – using the language of Claim 10 as exemplary – for “determining a most recent one of the sets of data upon a power up event.” As amended, claim 10 now recites, *inter alia*, “determining a *location of a* most recent one of the sets of data upon a power up event; . . . ” In addition, claims 16, 19, and 24 have been similarly amended. Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 25-28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as his invention. Claims 25-28 have been canceled.

Rejections Under 35 U.S.C. § 101

Claims 25-28 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 25-28 have been canceled.


Rejections Under 35 U.S.C. § 102(b)

Claims 25-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hara (Japanese Patent Publication No. 08-017192). Claims 25-28 have been canceled.

Conclusion

Applicant thanks the Examiner for allowing claims 1-9, 11-15, 17-18 and 20-23. In light of the above amendments and remarks, Applicant respectfully submits that all pending claims are allowable. Applicant, therefore, respectfully requests that the Examiner reconsider this application and timely allow all pending claims. Examiner Elmore is encouraged to contact Mr. Abramonte by telephone to discuss the above, if desired. If the Examiner notes any informalities in the claims, he is encouraged to contact Mr. Abramonte by telephone to expediently correct such informalities.

Respectfully submitted,
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